

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

SHANE AND ALYSON DECKER,

Plaintiffs,

v.

HANOVER INSURANCE COMPANY,

Defendant.

No. \_\_\_\_\_

**NOTICE OF REMOVAL**

NOW INTO COURT, through undersigned counsel, comes defendant, The Hanover Insurance Company (hereinafter “Hanover”), which pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and with a full reservation of all rights and defenses, hereby removes the action styled “*Shane and Alyson Decker v. Hanover Insurance Company*,” No. 13C5337, from the Circuit Court for Davidson County, Tennessee at Nashville to the United States District Court for the Middle District of Tennessee, Nashville Division. This Court has subject matter jurisdiction over the claims of Plaintiffs, Shane and Alyson Decker (“Plaintiffs”), under 28 U.S.C. § 1332 as the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is properly between citizens of different states. Hanover respectfully submits that the grounds for removal are as follows:

**THE NOTICE OF REMOVAL IS TIMELY**

1.

Plaintiffs filed a Complaint (“the Complaint”) entitled “*Shane and Alyson Decker v. Hanover Insurance Company*,” No. 13C5337 on December 27, 2013, in the Circuit Court for

Davidson County, Tennessee at Nashville, which is within the Middle District of Tennessee, Nashville Division.

2.

Hanover was served with process through the Tennessee Department of Commerce and Insurance on or about January 9, 2014.

3.

This Notice of Removal is being filed within thirty (30) days after Hanover was served with Plaintiff's Complaint and less than one (1) year after the commencement of the action. Additionally, there is no other defendant in this action. Accordingly, the Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

**THE PARTIES ARE CITIZENS OF DIFFERENT STATES**

3.

Upon information and belief, at the time Plaintiffs filed their Complaint and Hanover filed its Notice of Removal, Plaintiffs were and still are residents of Tennessee.

4.

At the time Plaintiff filed its Complaint and Hanover filed its Notice of Removal, Hanover was and still is a New Hampshire corporation with its principal place of business in Massachusetts.

5.

Accordingly, there is complete diversity of citizenship between Plaintiff and Hanover.

**THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000.00, EXCLUSIVE OF  
INTEREST AND COSTS**

6.

The Complaint seeks coverage under Hanover policy number HV5-9579040-01 (the "Policy") for physical loss and damage to the alleged insured premises.

7.

Although a specific amount in controversy is not alleged in the Complaint, the Policy at issue carries a coverage limit of \$193,000.00 for property coverage, which alone satisfies the jurisdictional minimum. Additionally, Plaintiffs seek an unspecified amount compensatory damages.

### **JURISDICTION**

8.

The above-described action is one over which this Honorable Court has original jurisdiction pursuant to 28 U.S.C. § 1332, as the controversy is wholly between citizens of different states and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Therefore, in accord with 28 U.S.C. § 1441, this case may be removed to the United States District Court for the Middle District of Tennessee, Nashville Division.

9.

Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders which have been received by Hanover are hereby attached to this Notice of Removal, along with the entirety of the State Court records. *See* Exhibit A.

10.

Concurrent with the filing of this Notice of Removal, written notice is being given to all parties, and a copy of this Notice of Removal is being filed with the Clerk of Court for the Circuit Court of Davidson County, Tennessee at Nashville.

WHEREFORE, defendant, The Hanover Insurance Company, prays that this, its Notice of Removal, be deemed good and sufficient and that his aforesaid Complaint be removed from the Circuit Court of Davidson County, Tennessee, at Nashville and that this Honorable Court enter such orders and issue such process as may be proper to bring before it copies of all records and pleadings in such civil action from such state court, and thereupon proceed with the civil action as if it had been commenced originally in this Honorable Court.

Respectfully submitted,

**DICKINSON WRIGHT PLLC**

BY: John E. Anderson, Sr.  
John E. Anderson, Sr., #13698  
424 Church Street, Suite 1401  
Nashville, Tennessee 37219  
Telephone: 615-244-6538

**ATTORNEY FOR DEFENDANT THE  
HANOVER INSURANCE COMPANY**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been served upon all counsel as listed below by placing a copy of same in the United States mail, postage prepaid, to:

Sonya S. Wright  
HAGAN & FARAR, PLLC  
106 N. Church Street  
Murfreesboro, TN 37130  
*COUNSEL FOR PLAINTIFF*

Dated: January 21, 2014

John E. Anderson, Sr.  
John E. Anderson, Sr.

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